



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

May 3, 2000

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:30 a.m. in the 7th floor Board room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

Questions About an Agenda Item

The name and telephone number of the appropriate staff person to call for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:30 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

BOARD OF DIRECTORS' REGULAR MEETING A G E N D A

**WEDNESDAY
May 3, 2000
9:30 A.M.**

**BOARD ROOM
7TH FLOOR**

CALL TO ORDER

Open Comments
Roll Call
Pledge of Allegiance

Michael Nevin, Chair
Clerk of the Boards

PUBLIC COMMENT PERIOD

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3 *Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.*

CONSENT CALENDAR (ITEMS 1 - 8)

Staff/Phone (415) 749-

1. Minutes of April 19, 2000 **C. Bradley/4961**
2. Communications **E. Garvey/4970**

Correspondence addressed to the Board of Directors

3. Report of the Advisory Council **S. Hayes/4961**

4. Report of Purchase Order Execution in Excess of \$20,000.00: Ozone Pollutant Analyzers

G. Kendall/4932

Pursuant to the District's Administrative Code Division II, Section 4.3, Fiscal Policies and Procedures, this is notice of the execution of purchase order number 37075 for three (3) gaseous pollutant analyzers in the amount of \$27,423.38. The District's Air Monitoring section routinely monitors for pollutants at air monitoring stations that meet the requirements of federal, state and local regulations. In order to keep down time to a minimum, ozone analyzers must be replaced at the end of their useful life.

5. Set Public Hearing for May 17, 2000 on proposed amendments to Regulation 1: General Provisions; Regulation 2: Permits, Rule 1: General Requirements, Rule 2: New Source Review, Rule 4: Emissions Banking; and to the District Manual of Procedures, Volume II, Part 2: Permits, General; and approve a Notice of Exemption from the California Environmental Quality Act (CEQA).

B. deBoisblanc/4704

The proposed amendments address deficiencies identified by the US EPA in the District's permit rules for major new and modified sources so that the permit rules can receive full approval under Clean Air Act. In addition, the proposed amendments will: 1) lower the permit exemption level for internal combustion engines from less than 250 hp rating to less

than 50 hp rating; 2) delete the exclusion found in Regulation 1 for emergency standby generators; and 3) create a permitting exemption for standby internal combustion engines and gas turbines used less than 200 hours per year. Also, the proposed amendments will implement federal Clean Air Act requirements related to new sources of hazardous air pollutants and analysis of alternatives for major modifications.

6. Set Public Hearing for May 17, 2000 on proposed amendments to District Regulation 9, Rule 11: Nitrogen Oxides and Carbon Monoxide from Utility Electric Power Generating Boilers and adopt a Negative Declaration pursuant to the California Environmental Quality Act (CEQA).**B. deBoisblanc/4704**

The proposed amendments ensure that existing regulatory requirements continue to apply to all electric power generating steam boilers in the District, regardless of California Public Utility Commission regulatory status or facility ownership. The proposed amendments: 1) clarify the definition of “electric utility power generating system” to recognize industry divestiture and allow emission averaging for multiple facilities under common ownership; 2) streamline the definitions of “electric system emergency” and “force majeure natural gas curtailment”; and 3) prevent “backsliding” to less stringent emission limits due to industry restructuring.

7. Set Public Hearing for May 17, 2000 on proposed amendments to District Regulation 11, Rule 9: Ethylene Oxide Sterilizers, and approve a Notice of Exemption from the California Environmental Quality Act (CEQA). **B. deBoisblanc/4704**

The proposed amendments will delete Regulation 11, Rule 9 in its entirety and adopt, by reference, the California Air Resources Board Airborne Toxics Control Measure (ATCM) for Emissions of Ethylene Oxide Sterilizers and Aerators. The ATCM was amended on May 21, 1998 to consolidate federal and state monitoring and recordkeeping requirements so as to apply to the US EPA for a determination of equivalency with the National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations. The deletion of the District rule, adoption of the ATCM and the expected equivalency determination will subject facilities to one set of standards for monitoring and recordkeeping requirements rather than three.

8. Set Public Hearings for June 7, 2000 on the Proposed District Budget and July 5, 2000 for the Final Public Hearing and Adoption of Fiscal Year 2000/2001 District Budget

W. Tanaka/5066

Pursuant to Division II, Section 3.2 of the Administrative Code and Chapter I, Division 3, Title 3 of the California Government Code, notice is hereby given and dates set for public hearings on the proposed and final District budget for fiscal year 2000/2001.

COMMITTEE REPORTS AND RECOMMENDATIONS

9. Report of the Personnel Committee Meeting of April 21, 2000

VICE-CHAIR: S. HAGGERTY

E. Garvey/4970

Action: Approve Committee recommendation of Daniel Wilkowsky to fill the unexpired term for the Engineer position on the District Hearing Board beginning immediately and ending March 7, 2001, providing an affirmative determination can be made regarding his eligibility to serve as a member of the District Hearing Board.

In the event it is determined that Mr. Wilkowsky cannot serve as a District Hearing Board member, approve Committee recommendation of Christian Colline to fill the unexpired term of the Engineer position on the District Hearing Board beginning immediately and ending March 7, 2001.

10. *Report of the Budget and Finance Committee Meeting of April 26, 2000*

CHAIR: G. UILKEMA

E. Garvey/4970

PUBLIC HEARING

11. Public Hearing to consider proposed amendments to the Administrative Code Division I: Operating Policies & Procedures Section 6: Board of Directors, Committees Subsections 6.2, 6.9, 6.10 and 6.12: **E. Garvey/4970**

Proposed amendments to the Administrative Code will create a new standing committee called the Public Outreach Committee, eliminate the Ad Hoc Database Conversion Committee and the Accidental Release Committees and clarify committee procedure and protocol.

OTHER BUSINESS

12. Report on Toxic Contaminant Control Program

B. deBoisblanc/4704

Staff will provide informational report on the District's Toxic Air Contaminant Control Program, which was established in 1987 in order to evaluate and reduce public exposure to airborne toxic compounds. The report will summarize the current status and future direction of the program.

13. Report of the Air Pollution Control Officer

14. Chairperson's Report

CLOSED SESSION

15. Conference with Labor Negotiator – Gene Bell
(Government Code § 54957.6 (a))

*Agency Negotiator: Rich Sanchez, Human Resources Officer
Peter Hess, Deputy APCO
Gary Kendall, Director of Technical Services*

Employee Organization: Bay Area Air Quality Management District Employees' Association, Inc.

16. Conference with Legal Counsel – Existing Litigation
(Government Code § 54956.9(a))

Wincup Holdings, Inc. v. Bay Area Air Quality Management District, FSFE Case No.: 305643

OPEN SESSION

17. Board Members' Comments

Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual

information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

18. Place of Next Meeting - 9:30 a.m., Wednesday, May 17, 2000 939 Ellis Street, San Francisco, California 94109
19. Adjournment